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11 JUL 2006

Kia Silverbrook Silverbrook Research Pty Ltd. 393 Darling Street Balmain NSW 2041, Australia

In re Application of

Kia Silverbrook

Application No.: 10/693,978

Filed: October 28, 2003

Attorney Docket No.: ZG006US For:

METHOD OF FABRICATING AN

INKJET PRINTHEAD CHIP FOR USE WITH A PULSATING PRESSURE INK

SUPPLY

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 3, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- the reference required by 35 U.S.C. § 120 and 37 CFR **(1)** 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- the surcharge set forth in § 1.17(t); and **(2)**
- a statement that the entire delay between the date the **(3)** claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Anthony Smith, Attorney Advisor, at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1765 for appropriate action on the amendment filed April 3, 2006, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Boris Milef ^l Legal Examiner

Office of Petitions and PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Sex 1450 Alexandria, Virginia 22313-1450 www.unpto.gov

FILING OR 371 ART UNIT FIL FEE REC'D ATTY.DOCKET NO TOT CLMS IND CLMS DRAWINGS APPL NO. (c) DATE 10/28/2003 1765 770 **ZG006US** 10/693.978

> **CONFIRMATION NO. 6497** CORRECTED FILING RECEIPT

24011 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN. NSW 2041 AUSTRALIA

OC000000019491292

Date Mailed: 07/05/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Kia Silverbrook, Balmain, AUSTRALIA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/302,606 11/23/2002 PAT 6,644,767

Foreign Applications

AUSTRALIA PO8001 07/15/1997 AUSTRALIA PO7991 07/15/1997

If Required, Foreign Filing License Granted: 01/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/693,978**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method of fabricating an inkjet printhead chip for use with a pulsating pressure ink supply

Preliminary Class

216

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